

FAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JUN 20 AM 9:32

08 MJ 1897

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose LUNA-Barajas,

Defendant.

Magistrate Case No. _____


COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien
Without Presentation

The undersigned complainant being duly sworn states:

On or about **June 18, 2008**, within the Southern District of California, defendant **Jose LUNA-Barajas**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Cristina SANTIAGO-Pascual**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **20th** DAY OF
JUNE, 2008.


UNITED STATES MAGISTRATE JUDGE

FAS

PROBABLE CAUSE STATEMENT

The complainant states that **Cristina SANTIAGO-Pascual** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 18, 2008, at approximately 2020 hours, **Jose LUNA-Barajas (Defendant)** made application for admission into the United States from Mexico at the San Ysidro, California Port of Entry as the driver and sole visible occupant of a silver Cadillac Deville. Upon inspection before a U.S. Customs and Border Protection (CBP) Officer, Defendant presented as his own a State of California birth certificate and a California identification card bearing the name Miguel Angel Villa, claiming to be a United States citizen. Defendant gave two negative customs declarations and stated he was going to San Diego. Defendant first stated the vehicle belonged to him and then later stated the vehicle belonged to his aunt. When asked for the vehicle registration, Defendant handed the CBP Officer documents for a Honda. The CBP Officer then conducted an inspection of the vehicle, noticed the trunk was clean with no personal effects and elected to refer Defendant and the vehicle to secondary for further inspection.

In secondary, a CBP Officer noticed the back seat of the vehicle felt hard. The CBP Officer then removed the back seat cushion and discovered a female laying face down in a non-factory compartment underneath the back seat. The female was assisted from the compartment, identified as a citizen of Mexico without legal documents to enter the United States and is now identified as **Cristina SANTIAGO-Pascual (Material Witness)**. Also while in secondary, it was determined that Defendant had made a documented false claim to United States Citizenship and was also a citizen of Mexico without legal documents to enter into the United States.

During a videotaped interview, Material Witness declared she is a citizen of Mexico without legal rights or entitlements to enter the United States. Material Witness stated she made her own smuggling arrangements with an unknown Hispanic male in Tijuana, Mexico and was going to pay \$20,000 Mexican Pesos to be smuggled into the United States. Material Witness stated she was going to Los Angeles, California where she was to seek employment and residency.